

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

ARDEGENE R. WHITE HAWK,
INDIVIDUALLY AND AS SPECIAL
ADMINISTRATOR AND PERSONAL
REPRESENTATIVE OF THE ESTATE
OF LYNETTE, A. GOGGLES,
DECEASED; AND ESTATE OF
LYNETTE A. GOGGLES,

Plaintiffs,

vs.

TRIBAL EM, DR. NELSON I.
SANABRIA, LACY J. CORTES,
HEATHER A. JOHNSON, MEAGAN
ULMER, DALE AVIATION, INC.,
JOHN DOES ONE THROUGH SEVEN,
INDIVIDUALLY, AND JOINTLY, AND
SEVERALLY; AND THE UNITED
STATES OF AMERICA,

Defendants.

5:21-CV-05089-LLP

ORDER GRANTING MOTION TO
WITHDRAW (DOC 33)
AND
ORDER DENYING AS MOOT
MOTION TO COMPEL (DOC. 16)
AND MOTION FOR DEFAULT
JUDGMENT AND/OR SANCTIONS
(DOC. 19)

Plaintiff Ardegene R. White Hawk, Individually, and as Special Administrator and Personal Representative of the Estate of Lynette A. Goggles filed a motion to compel the Defendants, specifically Tribal EM, Lacy J. Cortes, Heather A. Johnson, and Meagan Ulmer, to respond to the requested written discovery in Plaintiffs' First Set of Interrogatories and Requests for Production of Documents to Defendants, which were dated and served via the state court system on all of the above-named Defendants on June 9, 2021. (Doc. 16). Plaintiff also filed a motion for default judgment and/or sanctions against the above-described Defendants arising from the discovery dispute. (Doc. 19). The

Defendants filed briefs and affidavits in opposition to the Plaintiffs' motion. (Doc. 26, 28, 30, 31).

The motions were referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B), United States District Court District of South Dakota's Local Rule (LR) 72.1(C), and Dockets 22, 25.

Initially, the court scheduled a hearing on the motions for December 28, 2022. However, in lieu of the hearing, the court directed the parties to meet and confer per Local Rule 37.1 at the time and place previously scheduled for the hearing. As a result of the meeting, plaintiff's counsel has filed an unopposed motion to withdraw the Motion to Compel and the Motion for Default Judgment. (Docket 33).

Good cause appearing, the Motion to Withdraw (Doc. 33) is granted and the Motion to Compel (Doc. 16) and the Motion for Default Judgment (Doc. 19) are denied as moot.

DATED this 4th day of January, 2023.

BY THE COURT:



DANETA WOLLMANN
United States Magistrate Judge